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Attorney for Defendant  
OTONIEL GARCIA

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
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8  
9 UNITED STATES OF AMERICA, ) 2:21-CR-00315-CDS-EJY  
10 Plaintiff )  
11 v. ) STIPULATION AND ORDER TO  
12 OTONIEL GARCIA, ) CONTINUE SENTENCING  
13 Defendant )  
14 \_\_\_\_\_ (1<sup>st</sup> Request)

15  
16 IT IS HEREBY STIPULATED by and between OTONIEL GARCIA Defendant, by and  
17 through his counsel MICHAEL J MICELI, ESQ, and the United States of America, JACOB  
18 OPERSKALSKI, Assistant United States Attorney, that Sentencing in the above-captioned  
19 matter currently scheduled August 14, 2023 at the hour of 11:00 a.m., be vacated and continued  
20 for sixty (60) days or to a date and time to be set by this Honorable Court.

21 This Stipulation is entered into for the following reasons:

22 1. Counsel for defendant has spoken to his client and he has no objection to this  
23 continuance.

24 2. Counsel has spoken to AUSA Jacob Operksalski and he has no objection to the  
25 continuance.

26 3. Defendant is in custody in Pahrump.

1       4. Counsel for Defendant will be out the jurisdiction and will need additional time to  
2                  adequately prepare for sentencing.  
3       5. Denial of this request for continuance would deny the parties herein time and the  
4                  opportunity within which to effectively and thoroughly research and prepare for  
5                  sentencing in this case, taking into account the exercise of due diligence.  
6       6. Additionally, denial of this request for continuance would result in a miscarriage of  
7                  justice.  
8       7. For all the above-stated reasons, the ends of justice would best be served by a  
9                  continuance of the sentencing date.  
10      8. This is the 1<sup>st</sup> request for a continuance of the sentencing date in this case.

11                  DATED this 7th day of August 2023.

15                  PITARO & FUMO, CHTD.

16                  UNITED STATES ATTORNEY

17                  /s/ Michael J. Miceli, Esq.

18                  MICHAEL J. MICELI, ESQ.

19                  601 LAS VEGAS BOULEVARD, SOUTH

20                  LAS VEGAS, NEVADA 89101

21                  ATTORNEY FOR DEFENDANT

22                  OTONIEL GARCIA

17                  /s/Jacob Operskalski, Esq.

18                  JACOB OPERSKALSKI, ESQ.

19                  ASSISTANT UNITED STATES ATTORNEY

20                  501 LAS VEGAS BOULEVARD SOUTH. #1100

21                  LAS VEGAS, NEVADA 89101

1  
2 UNITED STATES OF AMERICA, ) 2:21-CR-00315-CDS-EJY  
3 Plaintiff )  
4 v. ) FINDINGS OF FACT,  
5 OTONIEL GARCIA, ) CONCLUSIONS OF LAW,  
6 Defendant ) AND ORDER  
7 ) (1st Request)  
8 )  
8 FINDINGS OF FACT

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
10 Court finds:

11 This Stipulation is entered into for the following reasons:

12 1. Counsel for defendant has spoken to his client and he has no objection to this  
13 continuance.

15 2. Counsel has spoken to AUSA Jacob Operalski and he has no objection to the  
16 continuance.

17 3. Defendant is in custody in Pahrump.

18 4. Counsel for Defendant will be out the jurisdiction and will need additional time to  
19 adequately prepare for sentencing.

21 5. Denial of this request for continuance would deny the parties herein time and the  
22 opportunity within which to effectively and thoroughly research and prepare for  
23 sentencing in this case, taking into account the exercise of due diligence.

24 6. Additionally, denial of this request for continuance would result in a miscarriage of  
25 justice.

27 7. For all the above-stated reasons, the ends of justice would best be served by a  
28 continuance of the sentencing date.

1       8. This is the 1<sup>st</sup> request for a continuance of the sentencing date in this case.  
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3  
4

**CONCLUSIONS OF LAW**

5       The end of justice served by granting said continuance outweigh the best interest of the  
6       public and defendants in a speedy trial since the failure to grant said continuance would likely  
7       result in a miscarriage of justice, would deny the parties herein sufficient time and the  
8       opportunity within which to be able to effectively and thoroughly prepare for sentencing taking  
9       into account the exercise of due diligence.

10  
11       **ORDER**

12       **IT IS ORDERED** that the Sentencing currently scheduled for August 14, 2023, at  
13       the hour of 11:00 a.m. is vacated and continued to October 12, 2023, at the hour of 10:00  
14       a.m. in Courtroom 6B.

15       DATED: August 7, 2023

16  
17         
18       U.S. DISTRICT JUDGE